



**Economic Impact Statement**

LSA Document #13-184

**IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

**Estimated Number of Small Businesses Subject to this Rule:**

None are anticipated to be subject.

**Estimated Average Annual Reporting, Record Keeping, and Other Administrative Costs Small Businesses Will Incur for Compliance:**

None is anticipated.

**Estimated Total Annual Economic Impact on Small Businesses to Comply:**

None is anticipated.

**Justification Statement of Requirement or Cost:**

No cost to small businesses is anticipated.

**Regulatory Flexibility Analysis of Alternative Methods:**

No cost to small businesses is anticipated.

**MOST RECENT SMALL BUSINESS IMPACT ANALYSIS  
REVIEW UNDER IC 4-22-2.5-3.1  
LSA #13-184**

**The degree to which the factors analyzed in a previous economic impact statement have changed since the statement was prepared**

None have changed.

**Any regulatory alternatives included in the statement under IC 4-22-2.1-5(a)(5)**

None.

**Any regulatory alternatives not considered by the agency at the time the statement was prepared could be implemented to replace one (1) or more of the rule's existing requirements**

None.

Executive Order 13-03 requires agencies to “suspend rulemaking action on any proposed rules for which a notice of intent to adopt a rule...was not submitted to the office of the *Indiana Register* on or before January 14, 2013.” The requirements of Executive Order

13-03 were restated, along with additional compliance information, in Financial Management Circular 2013-01. On April 17, 2013 the former DNR Director, Robert E. Carter, Jr. submitted correspondence to the Office of Management and Budget seeking an exception from the moratorium. On May 2, 2013 Christopher D. Atkins, Director, Office of Management and Budget, wrote to all agency heads stating the moratorium set forth in Executive Order 13-03 was not applicable to readoptions, and an exception did not need to be sought or received.

As specified by Executive Order 2-89 and Financial Management Circular 2010-4, fiscal analyses of the rule proposal were submitted, along with a copy of the proposed rule language and a copy of the posted Notice of Intent, to the Office of Management and Budget on May 29, 2013. In a letter dated July 9, 2013, Christopher D. Atkins recommended that the proposed rule readoption be approved.

#### **C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION**

On May 15, 2013, the “Notice of Intent to Readopt” 312 IAC § 21 was posted to the *Indiana Register* at 20130515-IR-312130184RNA as anticipated by Ind. Code § 4-22-2.5-2 and IC § 4-22-2.5-4. The notice indicated an intention to readopt the entirety of 312 IAC § 21 without changes. The notice also provided that a person had 30 days to submit a written request to the Commission, through the Small Business Regulatory Coordinator, seeking to have a particular section of the rule readopted separately. If such a request had been made, the Commission would have been required to complete the full rule adoption process for the section requested to be readopted separately.

In this instance, no written request was received. The Commission may either submit the rule for filing with the Publisher under IC § 4-22-2-35 or elect the procedure for readoption under IC § 4-22-2. The recommendation is that the Commission approve 312 IAC § 21 for readoption, without amendment for subsequent filing with the Publisher.

Dated: August 2, 2013

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Stephen L. Lucas  
Hearing Officer